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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/776,040	
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	First Named Inventor	JOERG EHRHARDT	
	Art Unit	2174	
	Examiner Name	PENG KE	
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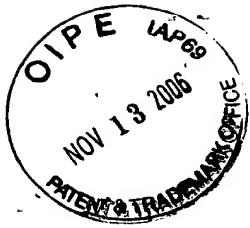
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **JOERG EHRHARDT, JENS KITTAN and WOLFGANG BORGERT**

Serial No.: **09/776,040**

Art Unit: **2174**

Filed: **February 1, 2001**

Examiner: **Peng Ke**

For: **SETTING UP A COMMUNICATION PROCEDURE BETWEEN  
INSTANCES AND A PROTOCOL TESTER USING THE METHOD**

November 7, 2006

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**APPEAL BRIEF - SUPPLEMENT**

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated October 31, 2006, attached are respective Evidence and Related Proceedings Appendices indicating that *no* evidence was submitted upon which Appellants rely and that there are *no* related proceedings that have a bearing on this appeal. Also attached is a replacement section for the Summary of the Claimed Subject Matter.

## **REMARKS**

By this response Applicants have added the Evidence and Related Proceedings Appendices, satisfying the Examiner's requirements as to items 8 and 9.

Applicants also are submitting a replacement Summary of the Claimed Subject Matter which is deemed to contain a concise explanation of the subject matter defined in each of the independent claims being argued in the appeal, referring to the specification by page and line number and to the drawing by reference characters. It also identifies for independent claims 1 and 8 every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph as well as setting out the structure, material or acts described in the specification, namely the GUI and the mouse for interacting with the GUI. Therefore it is deemed to satisfy the Examiner's requirements as to item 4.

Since the attached items may be submitted separately per MPEP1205.03, these items are submitted in lieu of a replacement appeal brief. Thus as supplemented by the attachments the Appeal Brief is now deemed to comply with all required provisions of 37 C.F.R. 41.37.

**Evidence Appendix**

NONE

**Related Proceedings Appendix**

NONE

## Replacement Section

### Summary of Claimed Subject Matter

#### Claims 1 and 8:

The presently claimed invention relates to setting up a communication procedure between instances of a communication network, one of which is a protocol tester (page 4, lines 7-9). Specifically the protocol tester emulates a protocol layer for testing a specified protocol layer of the item under test based on the communication procedure. Abstract communication interfaces of the emulated protocol layer are selected and communication data contained in description files is selected for exchange at the abstract communication interfaces. The communication procedure is automatically set up based upon the emulated protocol layer, the abstract communication interfaces and the communication data, with parameters for the abstract communication interfaces and the communication data being determined graphically. (Page 2, line 19 - page 3, line 5) As is well known by those skilled in the art, protocol layers refer to the various levels of an OSI protocol stack – generally there are seven layers from the physical layer to the application layers that make up the protocol stack. In order to test a specific protocol layer of the protocol stack, data has to be communicated from an adjacent protocol layer via appropriate abstract communication interfaces to the specific protocol layer.

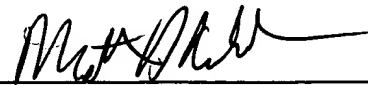
More specifically Fig. 1 shows a graphical user interface (GUI) **10** that allows graphically “selecting instances to take part in the communication protocol, one of the instances being a protocol tester” emulating a component **TC\_1**. (Page 4, lines 2-18) Fig. 2 shows the GUI for “selecting a protocol layer to be emulated by the protocol tester”, in this example *isdn12*. (Page 4, line 19 - page 5, line 4) Fig. 3 shows the GUI for selecting the service access point (SAP) or “abstract communication interfaces”, in this example *TS1/low*. (Page 5, lines 5-8) Fig. 4 shows the GUI for “selecting communication data” from message pools or “description files”. (Page 5, lines 9-12) Fig. 5 shows the GUI that provides a user with various types of information as a summary of the steps taken via Figs. 1-4, as well as a

graphical representation of the resulting portion of the communication procedure. (Page 5, lines 13-16; page 6, lines 1-5) Fig. 6 shows the GUI illustrating how the user may graphically set up the communication procedure, including the possibility of incorporating codes in a specified programming language (Forth) into a block by using an entry mask. (Page 5, lines 17-24) Finally Fig. 7 shows the GUI for an isdn-PDU setup for setting up a message from the tester to the instance under test. (Page 6, lines 6-10) Annex A1 shows the code automatically generated by the tester. (Page 6, lines 22-23). By performing the above interactions with the GUI the communication procedure may be automatically set up (page 6, lines 11-14).

The *means* for performing each of the elements recited in claim 8 is the GUI, such as on a PC screen, and the appropriate interaction with displayed symbols and texts, such as by using a mouse (page 4, lines 4-7). The above description of the claimed subject matter applies equally to both claims 1 and 8.

Respectfully submitted,

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